

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.04 C, Closed Area No. 36, Penobscot and Bagaduce Rivers, Towns of Castine, Penobscot and Brooksville, promulgated on April 16, 2004 is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.04 C, Closed Area No. 36, Penobscot and Bagaduce Rivers, Towns of Castine, Penobscot, and Brooksville.

Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Penobscot and Bagaduce Rivers in the following three areas:

1. On the eastern shore at the mouth of the Penobscot River, the flats and waters that lie shoreward (easterly) of a line beginning at a red painted post located about 0.2 mile west of the junctions of Routes 166 and 175 (at West Penobscot) and running southwesterly to the most western tip of Turner Point, Castine, then running southerly to the most western tip of Perkins Point, then running southerly to the most western tip of Blockhouse Point; then following the lowest tide mark to the most southern tip of Dice Head; AND the shores, flats and waters of the Bagaduce River inshore (northerly) of a line beginning at the southern tip of Dice Head, Castine, and running easterly to the northern tip of High Tide Island, then inshore (northwesterly) of a line running northeasterly to the southern tip of Lower Negro Island, then running northerly to the easternmost point on Upper Negro Island, then running northerly (about 0.2 miles) to a red painted post on the western shore of the Bagaduce River.
2. From May 1 through October 31, the Bagaduce River will be closed **between** (west and south) a line running north from the northern most point of Jones Point, Brooksville to the nearest opposite shore of the so called "Grindle Eddy Narrows", Penobscot and downstream (south) to a line drawn across the river from the western most point of Jones Point (270 yards south of the northern most point) to the nearest opposite shore.
3. In case of malfunction of the Castine Sewage Treatment System, the Bagaduce River will be closed immediately **between** a line running north from the northern most point of Jones Point, Brooksville to the nearest opposite shore of the so called "Grindle Eddy Narrows", Penobscot, and downstream (south) to a line drawn across its mouth, from the southern tip of Dice Head, Castine, to the most northwestern prominence at Harborside, Brooksville.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: June 10, 2004

AGENCY CONTACT PERSON: Amy Fitzpatrick
Department of Marine Resources
194 McKown Point Road
West Boothbay Harbor, Maine 04575

BANGOR DAILY NEWS:
June 14, 2004

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.04 C, Closed Area No. 36, Penobscot and Bagaduce Rivers, Towns of Castine, Penobscot and Brooksville, promulgated on April 16, 2004, and replaces it with a new regulation. This new regulation re-opens the Castine Wastewater Treatment Plant conditional area to shellfish harvesting. The seasonal conditional marina closure in Grindles Eddy remains closed to harvesting.



DAVID ETNIER
DEPUTY COMMISSIONER



Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area
For: Brooksville Castine Penobscot

C36 - Penobscot and Bagaduce Rivers 6/10/04

